

BILL ANALYSIS

Senate Research Center
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S.B. 772
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Intergovernmental Relations
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Emergency services districts (ESD) are political subdivisions of the state, with powers and duties as prescribed by Chapter 775, Health and Safety Code. Among the duties and powers are the abilities to sue, be sued, and to enter into contracts. As such, there may be an occasional need for an ESD to contract for legal counsel with private and/or public entities.

Section 775.031, Health and Safety Code, authorizes an ESD to enter into and perform necessary contracts. However, it is unclear as to whether a county attorney, district attorney, or criminal district attorney with the duty to represent the county in civil matters may currently offer such services to an ESD.

S.B. 772 amends Chapter 775, Texas Health and Safety Code, to allow Tarrant County to contract with an ESD to offer legal representation. S.B. 772 also permits an ESD that enters into such a contract to retain the ability to enter into a private contract for legal services, if deemed advisable by the board.

As proposed, S.B. 772 amends current law relating to legal representation for certain emergency services districts.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 775, Health and Safety Code, by adding Section 775.0315, as follows:

Sec. 775.0315. LEGAL REPRESENTATION. (a) Provides that this section applies only to a emergency services district (district) located wholly in a county with a population of 1.8 million or more in which two or more cities with a population of 350,000 or more are located.

(b) Authorizes a district to employ or contract with private legal counsel to represent the district on any legal matter. Requires the county attorney, district attorney, or criminal district attorney, as appropriate, with the duty to represent the county in civil matters to represent the district, if the district does not employ or contract with private legal counsel on a legal matter.

(c) Authorizes a district that receives legal services from a county attorney, district attorney, or criminal district attorney to employ additional private legal counsel on the board's determination that additional counsel is advisable. Authorizes a district that contracts or employs private legal counsel under Subsection (b) to request and receive additional legal services from the county attorney, district attorney, or criminal district attorney, as appropriate, with the duty to represent the county in civil matters on the board's determination that additional counsel is necessary.

(d) Requires the district, if the district receives legal services from a county attorney, district attorney, or criminal district attorney, to contribute money to be credited to the county's general fund account for the county attorney, district attorney, or criminal district attorney, as appropriate, in amounts sufficient to pay all additional salaries and expenses incurred by a county attorney, district attorney, or criminal district attorney in performing the duties required by the district.

SECTION 2. Effective date: upon passage or September 1, 2015.